

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

18

U.S.A.

USCA NO. 02 CR 1560

-v-

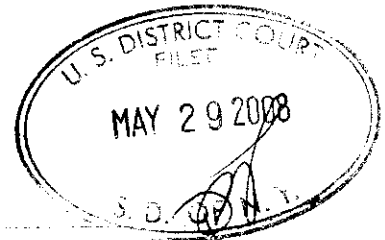
SDNY NO. 02 CR 1560

JUDGE:

DATE: 5/29/08

MOHAMMED TABAKRAH

INDEX TO THE RECORD ON APPEAL



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DISTRICT COURT DOCKET ENTRIES

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

Only Circled Documents Included

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the _____ Day of _____, 2008.

United States District Court for
the Southern District of New York

U.S.A.

-v-

MOHAMMED TABARAH

Date: 5/29/08

U.S.C.A. # 08-0672 cr.

U.S.D.C. # 02 Cr. No. 0

D.C. JUDGE: BST

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 12, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

7/30/02 #13

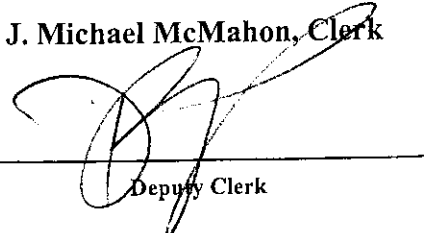
Document Description

NOTICE OF CASE ASSIGNMENT

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 25th Day of May In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232nd year.

J. Michael McMahon, Clerk

By


Deputy Clerk

APPEAL, CLOSED

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:02-cr-01560-BSJ-1
Internal Use Only

Case title: USA v. Jabarrah

Date Filed: 12/12/2002
 Date Terminated: 02/04/2008

Date Filed	#	Docket Text
07/30/2002	<u>1</u>	SEALED INFORMATION (Felony) as to Sealed Defendant #1 (1) count(s) 1, 2, 3, 4, 5. (jm) (Entered: 01/17/2008)
07/30/2002		Minute Entry for proceedings held before Judge Gerard E. Lynch: Defendant present with attorney David Wikstrom; AUSAs Karas and Rogers also present. Arraignment as to Mohammed Mansour Jabarrah (1) Count 1,2,3,4,5 held on 7/30/2002. Plea entered by Mohammed Mansour Jabarrah (1) Guilty as to Count 1,2,3,4,5. Defendant continued detained. (Hearing originally held 7/30/02, under seal) (jm) (Entered: 01/17/2008)
07/30/2002		WAIVER OF INDICTMENT by Mohammed Mansour Jabarrah. (Despite the absence of a physical waiver of indictment this matter is placed on the docket as a result of the oral representation of Courtroom Deputy for The Hon. USDJ Jones that Judge Jones ordered this matter to be placed thereon, and that a formal order in that regard would be forthcoming.) (jm) (Entered: 01/17/2008)
07/30/2002		Minute Entry for proceedings held before Judge Gerard E. Lynch: Status Conference as to Mohammed Mansour Jabarrah held on 7/30/2002. On July 30, 2002 defendant in the above-captioned case, Mohammed Mansour Jabarrah, entered a plea of guilty to the charges in the Information before the Honorable Judge Lynch. The defendant appeared with his counsel, David Wikstrom. Also present were Assistant United States Attorneys, Kenneth Karas and Jennifer Rodgers. [*** NOTE: This Memorandum was issued by Judge Jones' Chambers on 1/18/08. ***] (bw) (Entered: 01/18/2008)
07/30/2002		Minute Entry for proceedings held before Judge Gerard E. Lynch: Plea entered by Mohammed Mansour Jabarrah (1) Guilty as to Count 1,2,3,4,5. (bw) (Entered: 01/18/2008)
07/30/2002		Attorney update in case as to Mohammed Mansour Jabarrah. Attorney David Wikstrom for and added.. (pr) (Entered: 01/18/2008)
07/30/2002	13	NOTICE OF CASE ASSIGNMENT as to Mohammed Mansour Jabarrah, to Judge Judge Michael B. Mukasey. Judge Judge Unassigned no longer assigned to the case. (laq) (Entered: 01/18/2008)
02/24/2006		Minute Entry for proceedings held before Judge Michael B. Mukasey: Pretrial Conference as to Mohammed Mansour Jabarrah held on 2/24/2006. Deft (detained) present w/atty Kenneth Paul. AUSA Jennifer Rodgers present. PTC held. Next PTC set for 4/14/06 at 9:15 a.m. Deft detained. (bw) (Entered: 01/18/2008)
09/08/2006	<u>14</u>	NOTICE OF CASE REASSIGNMENT as to Mohammed Mansour Jabarrah, to Judge Judge Barbara S. Jones. Judge Judge Michael B. Mukasey no longer assigned to the case. (laq) (Entered: 01/18/2008)
01/17/2008	<u>2</u>	Order to Unseal Information as to Sealed Defendant #1. It is hereby: ORDERED that the following sealed documents in the above-captioned matter are to be unsealed: 1. Information 02-Cr-1560. 2. July 28, 2002 plea proceeding transcript. 3. October 28, 2003 Order setting conference date. 4. February 24, 2006 memorandum setting conference date. 5. April 12, 2006 status letter from the Government. 6. September 8, 2006 memorandum from case assignment department. 7. May 2, 2007 sentencing letter from defense counsel. 8. May 7, 2007 Sentencing Memorandum (Redacted) from the Government. 9. May 24, 2007 sentencing letter from defense counsel. 10. June 6, 2007 sentencing letter from the Government. 11. August 2, 2007 sentencing letter from defense counsel (Redacted). 12. November 6, 2007 sentencing letter supplement (five pages) from the Government. 13. November 30, 2007 sentencing letter supplement from defense counsel with exhibits. (Redacted). SO ORDERED. (Signed by Judge Barbara S. Jones on 1/17/08)(jm) (Entered: 01/17/2008)
01/17/2008		INFORMATION UNSEALED as to Mohammed Mansour Jabarrah. (jm) (Entered: 01/17/2008)
01/17/2008		Minute Entry for proceedings held before Judge Gerard E. Lynch: Initial Appearance as to Mohammed Mansour Jabarrah held on 1/17/2008. Defendant present with attorney David Wikstrom; AUSAs Karas and Rodgers present for the Government. Defendant enters a plea of Guilty to the information. (This proceeding originally held 7/30/02 and sealed (jm) (Entered: 01/17/2008)
01/17/2008		ORAL ORDER as to Mohammed Mansour Jabarrah to place this matter on the docket in view of the missing original information and in the absence of waiver(s) of indictment.. (jm) (Entered: 01/17/2008)
01/18/2008	<u>3</u>	ORDER as to Mohammed Mansour Jabarrah. The Clerk of the Court is directed to file the information in the above-captioned case without the waiver of indictment. The Defendant publicly waived his right to be charged by an indictment issued by a grand jury at his plea allocation on 7/30/02 before the Honorable Judge Lynch. (See 7/30/02 Transcript at 22-23). (Signed by Judge Barbara S. Jones on 1/18/08) [*** NOTE: Refer to Unsealing Order, doc.#2, filed on 1/17/08. ***](bw) (Entered: 01/18/2008)
01/18/2008	<u>4</u>	ORDER as to Mohammed Mansour Jabarrah. This order embodies decisions taken at a conference held on 10/27/03, as follows: (1) On deft's application David Wikstrom is relieved as his attorney and Richard Jasper, 276 Fifth Avenue, New York, NY 10001, is appointed under the Criminal Justice Act nunc pro tunc from 10/24/03 to represent deft Jabarrah in this action and is substituted in place and stead of David Wikstrom. (2) Another conference will be held on 1/26/04 at 9:15 A.M. in Room 21B to determine the status of this action and whether deft intends to make any motions. (3) This order will be filed under seal and disclosed only to the parties. (Signed by Judge Michael B. Mukasey on 10/28/03) [*** NOTE: Refer to Unsealing Order, doc.#2, filed on 1/17/08. ***](bw) (Entered: 01/18/2008)
01/18/2008	<u>5</u>	Letter by USA as to Mohammed Mansour Jabarrah addressed to Judge Mukasey from AUSA Jennifer G. Rodgers dated 4/12/06 re: submitted to inform the Court of the status of the above-captioned case, which is scheduled for a conference on 4/25/06. [*** NOTE: Refer to Unsealing Order, doc.#2, filed on 1/17/08. ***] (bw) (Entered: 01/18/2008)
01/18/2008	<u>6</u>	Letter by Mohammed Mansour Jabarrah addressed to Judge Jones from Attorneys Barry M. Fallick, and Kenneth Paul, dated 5/2/07 re: submitted this letter-memorandum (1) as objections to the presentence report; (2) grounds for departure under the U.S. Sentencing Guidelines and (3) arguments as to the reasonableness of the sentence to be imposed. [*** NOTE: Refer to Unsealing Order, doc.#2, filed on 1/17/08. ***] (bw) (Entered: 01/18/2008)

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01/18/2008	7	SENTENCING MEMORANDUM (Redacted) by USA as to Mohammed Mansour Jabarah. Dated 5/7/07. [*** NOTE: Refer to Unsealing Order, doc.#2, filed on 1/17/08. ***] (bw) (Entered: 01/18/2008)
01/18/2008	8	Letter by Mohammed Mansour Jabarah addressed to Judge Jones from Attorney Kenneth A. Paul dated 5/24/07 re: submitted in connection with the sentencing of Mr. Mohammed Mansour Jabarah who is presently scheduled to appear before the Judge on 6/1/07. [*** NOTE: Refer to Unsealing Order, doc.#2, filed on 1/17/08. ***] (bw) (Entered: 01/18/2008)
01/18/2008	9	Letter by USA as to Mohammed Mansour Jabarah addressed to Judge Jones from AUSAs David Raskin, Jennifer G. Rodgers dated 6/6/07 re: submitted in connection with the sentencing of Mohammed Jabarah, which is currently scheduled to appear before the Judge on 6/1/07. This letter supplements the Govt's prior submission of 5/7/07, to address two issues concerning the computation of the deft's offense level under the U.S. Sentencing Guidelines. [*** NOTE: Refer to Unsealing Order, doc.#2, filed on 1/17/08. ***] (bw) (Entered: 01/18/2008)
01/18/2008	10	Letter (Redacted) by Mohammed Mansour Jabarah addressed to Judge Jones from Attorney Kenneth A. Paul dated 8/2/07 re: submitted in connection with the sentencing of Mr. Mohammed Mansour Jabarah who is presently scheduled to appear before the Judge on 8/9/07. This is to supplement previous submissions to the Court dated 5/2/07 and 5/24/07. [*** NOTE: Refer to Unsealing Order, doc.#2, filed on 1/17/08. ***] (bw) (Entered: 01/18/2008)
01/18/2008	11	Letter by USA as to Mohammed Mansour Jabarah addressed to Judge Jones from AUSAs David Raskin, Jennifer G. Rodgers dated 11/6/07 re: submitted to supplement the Govt's sentencing submissions of May 7 and June 6, 2007 with additional facts regarding the deft's post-plea plan to kill agents in his security detail and prosecutors on this case. [*** NOTE: Refer to Unsealing Order, doc.#2, filed on 1/17/08. ***] (bw) (Entered: 01/18/2008)
01/18/2008	12	Letter by Mohammed Mansour Jabarah addressed to Judge Jones from Attorney Kenneth A. Paul dated 11/30/07 re: submitted in response to the Govt's letter to the Court dated 11/6/07 with the attached FBI reports relating to several interviews conducted by Mohammed Jabarah. [*** NOTE: Refer to Unsealing Order, doc.#2, filed on 1/17/08. ***] (bw) (Entered: 01/18/2008)
01/18/2008		Minute Entry for proceedings held before Judge Barbara S. Jones: Sentencing held on 1/18/2008 for Mohammed Mansour Jabarah (1) Count 1,2,3,4,5. Deft present w/his atty Kenneth Paul. AUSA Jennifer Rodgers and AUSA David Raskin present for the Govt. Court reporter, Kristen Carannante, present. Corrections to be made to the PSR: On page 9, paragraph 24, delete word voluntarily and add Deft's version that he was not advised of his rights and had no access to counsel. On page 2, change race to Arab. On page 4, paragraph 7, amend to state that Deft plead guilty pursuant to a cooperation agreement. On page 6, strike statement that Deft's brother was a sworn member of Al Qaeda. [See Criminal Memorandum To The Docket Clerk for complete text] (bw) (Entered: 02/04/2008)
01/25/2008	16	NOTICE OF APPEAL by Mohammed Mansour Jabarah from 15 Judgment. Notice of Appeal mailed to attorney(s) of record: A.U.S.A. and Court Reporters. (nd) (Entered: 02/05/2008)
01/25/2008		Appeal Remark as to Mohammed Mansour Jabarah re: 16 Notice of Appeal - Final Judgment. \$455.00 APPEAL FILING FEE DUE. (nd) (Entered: 02/05/2008)
02/04/2008	15	JUDGMENT In A Criminal Case. Date of Imposition of Judgment: 1/18/08. Defendant's Attorney: Kenneth Paul. Defendant Mohammed Mansour Jabarah (1) pleaded guilty to Count(s) 1, 2, 3, 4, and 5. IMPRISONMENT: Life imprisonment on counts one, two, and three, twenty (20) years on count four, and five (5) years on count five, all to run concurrently to one another for a total of life imprisonment. SUPERVISED RELEASE: Five (5) years on counts one, two, and three and three (3) years on counts four and five to run concurrently for a total of five (5) years. The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. The defendant shall cooperate in the collection of DNA as directed by the probation officer. Additional Supervised Release Terms (see p.4 of judgment). Assessment: \$500.00, due immediately. (Signed by Judge Barbara S. Jones on 1/27/08)(bw) (Entered: 02/04/2008)
02/04/2008		Judgment entered in money judgment book as #08,0192 as to Mohammed Mansour Jabarah in the amount of \$ 500.00, re: 15 Judgment. (dt) (Entered: 02/06/2008)
02/05/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Mohammed Mansour Jabarah to US Court of Appeals re: 16 Notice of Appeal - Final Judgment. (nd) (Entered: 02/05/2008)
02/20/2008		USCA SCHEDULING ORDER as to Mohammed Mansour Jabarah related to 16 Notice of Appeal - Final Judgment filed by Mohammed Mansour Jabarah, USCA Case Number 08-0672-cr. Appeal Record due by 3/10/2008. Defendant Brief due by 4/9/2008. Government Brief due by 5/9/2008. (nd) (Entered: 02/20/2008)
02/25/2008	17	TRANSCRIPT of Proceedings as to Mohammed Mansour Jabarah held on 1/18/08 before Judge Barbara S. Jones. (jbe) (Entered: 02/25/2008)